



House of Representatives

General Assembly

File No. 263

January Session, 2005

Substitute House Bill No. 6870

House of Representatives, April 11, 2005

The Committee on Insurance and Real Estate reported through REP. O'CONNOR of the 35th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE OF ZONE CHANGE APPLICATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-7d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) In all matters wherein a formal petition, application, request or
4 appeal must be submitted to a zoning commission, planning and
5 zoning commission or zoning board of appeals under this chapter, a
6 planning commission under chapter 126 or an inland wetlands agency
7 under chapter 440 and a hearing is required or otherwise held on such
8 petition, application, request or appeal, such hearing shall commence
9 within sixty-five days after receipt of such petition, application,
10 request or appeal and shall be completed within thirty-five days after
11 such hearing commences, unless a shorter period of time is required
12 under this chapter, chapter 126 or chapter 440. Notice of the hearing
13 shall be published in a newspaper having a general circulation in such

14 municipality where the land that is the subject of the hearing is located
15 at least twice, at intervals of not less than two days, the first not more
16 than fifteen days or less than ten days and the last not less than two
17 days before the date set for the hearing. In addition to such notice,
18 such commission, board or agency may, by regulation, provide for
19 notice to be mailed to persons who own [or occupy] land that is
20 immediately adjacent to the land that is the subject of the hearing, or
21 notice to be provided by posting a sign on the land that is the subject of
22 the hearing. For purposes of such notice, (1) proof of mailing shall be
23 evidenced by a certificate of mailing, and (2) the person who owns
24 land means the owner indicated on the property tax map or on the
25 last-completed grand list as of the date such notice is mailed. All
26 applications and maps and documents relating thereto shall be open
27 for public inspection. At such hearing, any person or persons may
28 appear and be heard and may be represented by agent or by attorney.
29 All decisions on such matters shall be rendered within sixty-five days
30 after completion of such hearing, unless a shorter period of time is
31 required under this chapter, chapter 126 or chapter 440. The petitioner
32 or applicant may consent to one or more extensions of any period
33 specified in this subsection, provided the total extension of all such
34 periods shall not be for longer than sixty-five days, or may withdraw
35 such petition, application, request or appeal.

36 (b) Notwithstanding the provisions of subsection (a) of this section,
37 whenever the approval of a site plan is the only requirement to be met
38 or remaining to be met under the zoning regulations for any building,
39 use or structure, a decision on an application for approval of such site
40 plan shall be rendered within sixty-five days after receipt of such site
41 plan. Whenever a decision is to be made on an application for
42 subdivision approval under chapter 126 on which no hearing is held,
43 such decision shall be rendered within sixty-five days after receipt of
44 such application. Whenever a decision is to be made on an inland
45 wetlands and watercourses application under chapter 440 on which no
46 hearing is held, such decision shall be rendered within sixty-five days
47 after receipt of such application. The applicant may consent to one or
48 more extensions of such period, provided the total period of any such

49 extension or extensions shall not exceed sixty-five days or may
50 withdraw such plan or application.

51 (c) For purposes of subsection (a) or (b) of this section and section 7-
52 246a, the date of receipt of a petition, application, request or appeal
53 shall be the day of the next regularly scheduled meeting of such
54 commission, board or agency, immediately following the day of
55 submission to such commission, board or agency or its agent of such
56 petition, application, request or appeal or thirty-five days after such
57 submission, whichever is sooner. If the commission, board or agency
58 does not maintain an office with regular office hours, the office of the
59 clerk of the municipality shall act as the agent of such commission,
60 board or agency for the receipt of any petition, application, request or
61 appeal.

62 (d) The provisions of subsection (a) of this section shall not apply to
63 any action initiated by any zoning commission, planning commission
64 or planning and zoning commission regarding adoption or change of
65 any zoning regulation or boundary or any subdivision regulation,
66 except that (1) for any proposed change of a zoning boundary or a
67 significant change to an allowable use or density limit in one or more
68 specified zones, the zoning commission or planning and zoning
69 commission shall provide, by regulation, for notice by mail of any
70 public hearing on such change to persons who own land that is the
71 subject of the hearing or who own land immediately adjacent to the
72 land that is the subject of the hearing; (2) for any proposed change of a
73 zoning regulation not subject to subdivision (1) of this subsection, the
74 zoning commission or planning and zoning commission shall provide,
75 by regulation, for notice by mail of any public hearing on such change
76 to persons who own land the commission reasonably determines to be
77 potentially significantly impacted by such proposed change; or (3) for
78 any proposed change of any subdivision regulation, the planning
79 commission or planning and zoning commission shall provide, by
80 regulation, for notice by mail of any public hearing on such change to
81 persons who own land the commission reasonably determines to be
82 potentially significantly impacted by such proposed change. For

83 purposes of this subsection, (A) notice shall be mailed not later than
84 ten days prior to the commencement of the public hearing, (B) proof of
85 mailing shall be evidenced by a certificate of mailing, and (C) the
86 person who owns land means the owner indicated on the property tax
87 map or on the last-completed grand list as of the date such notice is
88 mailed. The commission's determination under subdivision (2) or (3) of
89 this subsection regarding land that could be significantly impacted by
90 the proposed change shall not be a basis of any legal claim or appeal.

91 (e) Notwithstanding the provisions of this section, if an application
92 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
93 inclusive, and the time for a decision by a zoning commission or
94 planning and zoning commission established pursuant to this section
95 would elapse prior to the thirty-fifth day after a decision by the inland
96 wetlands agency, the time period for a decision shall be extended to
97 thirty-five days after the decision of such agency. The provisions of
98 this subsection shall not be construed to apply to any extension
99 consented to by an applicant or petitioner.

100 (f) The zoning commission, planning commission, zoning and
101 planning commission, zoning board of appeals or inland wetlands
102 agency shall notify the clerk of any adjoining municipality of the
103 pendency of any application, petition, appeal, request or plan
104 concerning any project on any site in which: (1) Any portion of the
105 property affected by a decision of such commission, board or agency is
106 within five hundred feet of the boundary of the adjoining
107 municipality; (2) a significant portion of the traffic to the completed
108 project on the site will use streets within the adjoining municipality to
109 enter or exit the site; (3) a significant portion of the sewer or water
110 drainage from the project on the site will flow through and
111 significantly impact the drainage or sewerage system within the
112 adjoining municipality; or (4) water runoff from the improved site will
113 impact streets or other municipal or private property within the
114 adjoining municipality. Such notice shall be made by certified mail,
115 return receipt requested, and shall be mailed within seven days of the
116 date of receipt of the application, petition, request or plan. Such

117 adjoining municipality may, through a representative, appear and be
118 heard at any hearing on any such application, petition, appeal, request
119 or plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	8-7d

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

The additional notification requirements in the bill could minimally increase costs to various municipalities. Additional costs, if any, for mailing are anticipated to be within current municipal resources.

OLR Bill Analysis

sHB 6870

AN ACT CONCERNING NOTICE OF ZONE CHANGE APPLICATIONS**SUMMARY:**

The bill requires that zoning commissions, planning commissions, and combined planning and zoning commissions notify certain property owners of a public hearing on proposed changes they initiate regarding a (1) zoning boundary change, (2) significant change to an allowable use or density limit in one or more specified zones, or (3) change of any subdivision regulation.

Also, the bill makes several changes in the provisions zoning commissions and other local land use agencies may adopt to require additional notice for hearings on actions they do not initiate. For example, the bill specifies that such additional notice (1) include those who occupy but do not own land adjacent to the land that is the subject of the hearing and (2) be mailed or posted on a sign on the land that is the subject of the hearing.

EFFECTIVE DATE: October 1, 2005

ACTIONS INITIATED BY ZONING COMMISSION OR PLANING AND ZONING COMMISSION

The law requires newspaper notice of any public hearing in all matters wherein a formal petition, application, request, or appeal must be submitted to a zoning commission, planning and zoning commission, zoning board of appeals, a planning commission, or an inland wetlands agency. Under current law, the requirement for public notice and the authority for providing additional notice for those adjacent to the land that is the subject of the hearing do not apply to any action the zoning or planning and zoning commission initiates to adopt or change any zoning regulation or boundary.

The bill requires that for any proposed change of a zoning boundary or a significant change to an allowable use or density limit in one or more specified zones, the zoning commission or combined planning and

zoning commission must provide, by regulation, for notice by mail of any public hearing to those who (1) own land that is the subject of the hearing or (2) own land immediately adjacent to the land that is the subject of the hearing. For any other proposed change of a zoning regulation, the bill requires them to provide, by regulation, for notice by mail of any public hearing to those who own land the commission reasonably determines to be potentially significantly impacted by the proposed change.

The bill requires that notice must be mailed at least 10 days before the public hearing begins. It specifies that (1) the only way to prove when the mail was sent is by a certificate of mailing and (2) the requirement applies only to the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed.

The bill specifies that the commission's determination regarding land that could be significantly impacted by the proposed change may not be a basis of any legal claim or appeal.

CHANGE OF SUBDIVISION REGULATIONS INITIATED BY PLANNING COMMISSION

Under current law, the exemption from the requirement of public notice and the authority to adopt additional notice requirement does not apply to any action the planning commission initiates to adopt or change any subdivision regulation. The bill makes such actions exempt but requires for any proposed change of any subdivision regulation, the planning commission or planning and zoning commission must provide, by regulation, for notice by mail of any public hearing to those who own land the commission reasonably determines to be potentially significantly impacted by the proposed change.

ADDITIONAL NOTICE PROVISIONS

In addition to the required newspaper notice for hearings on actions not initiated by certain land use agencies, current law authorizes such agencies by regulation, to provide for additional notice to people who own or occupy land adjacent to the land that is the subject of the hearing. (These agencies are zoning commissions, planning and zoning commissions, zoning board of appeals, planning commissions, and inland wetland agencies.)

The bill changes this additional notice in several ways. It

1. specifies that the notice be by mail or by posting a sign on the land that is the subject of the hearing;
2. eliminates the authority to notify those who occupy land adjacent to such land, thus limiting notice to property owners;
3. defines property owners as those indicated on the property tax map or the last-completed grand list;
4. specifies that proof of mailing must be evidenced by a certificate of mailing; and
5. specifies that the notice be to owners who are immediately adjacent as opposed to adjacent to such affected land.

BACKGROUND

Certificate of Mailing

A certificate of mailing is a receipt that provides evidence of the date that mail was presented to the postal service for mailing. It can only be purchased at the time of mailing.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 16 Nay 0